United Nations CRPD/C/MKD/Q/1

Convention on the Rights of Persons with Disabilities

Distr.: General
17 April 2018

Original: English
English, Russian and Spanish only

Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of the former Yugoslav Republic of Macedonia*

A. Purpose and general obligations (arts. 1–4)

1. In paragraph 20 of the initial report, it is stated that "there is no unified term" to define persons with disabilities. Please provide information on the measures adopted to harmonize the definition of disability as stated in the Convention with the Constitution and laws of the State party.

2. Please provide information on the steps taken to align national laws and policies with the Convention.

3. Please provide more information on the National Coordination Body for Equal Rights of Persons with Disabilities 1999 and the impact of the National Strategy for Equal Rights of Persons with Disabilities (Revised) 2010–2018 since it was adopted to date.

4. Please provide more information on how the laws against discrimination are implemented with regard to persons with disabilities and the strategies therein to monitor adherence.

B. Specific rights (arts. 5–30)

5. Please explain the extent to which the Constitution, laws and policies of the State party protect the interests of persons with disabilities and whether legal protection is guaranteed to them on an equal basis with others.

6. Please provide more information as to how the Law on the Prevention of and Protection against Discrimination (2010) guarantees reasonable accommodation as a prohibited form of discrimination against persons with disabilities with respect to social, economic a· ·ll other areas of life.

7. Please provide more information on the affirmative measures mentioned in paragraph 32 of the initial report aimed at accelerating de facto equality of persons with disabilities in the State party, including on the functioning, budget and mandate of the Commission for the Protection against Discrimination, its members and example of cases it has dealt with so far.

Women with disabilities (art. 6)

8. Please provide information about:

* Adopted by the pre-sessional working group at its ninth session (12–16 March 2018).

GE.18-06116(E)

1806116

Please recycle

(a) Measures to revise the Law on Equal Opportunities of Women and Men to encapsulate particular provisions for equality and standardization of opportunities for girls and women with disabilities (see paragraph 275 of the initial report);

(b) Measures to ensure that the Law on the Prevention of and Protection against Discrimination includes specific provisions on the equality of and standardization of opportunities for girls and women with disabilities (ibid., para. 279);

(c) Strategies to ensure that the issues and needs of women and girls with disabilities are clearly articulated in the National Strategy for Equal Rights of Persons with Disabilities (Revised) 2010–2018 (ibid., para. 280).

Children with disabilities (art. 7)

9. Please provide information about:

(a) The specific legislation enacted to address issues directly related to children with disabilities mainly in the spheres of inclusive education, institutions, the family, foster homes and all other settings in the State party;

(b) The measures taken to promote the availability of inclusive care for children with disabilities within the framework of the National Deinstitutionalization in the System of Social Care 2008–2018 (ibid., para. 288);

(c) The social benefit schemes available for children with disabilities and their parents with regard to covering disability-related expenses;

(d) The measures taken to provide assistance and training for families (foster or otherwise) of children with disabilities as per the Law on Social Care (ibid., para. 287).

Awareness-raising (art. 8)

10. Please provide more information on:

(a) The programmes and activities referred to in the initial State report (paras. 39–42) on the awareness-raising activities undertaken by the State party, including the target audience, impact and how the outcomes of the activities were monitored;

(b) Whether the State party consulted with and actively involved disabled people's organizations in the design, execution, evaluation and monitoring of the awareness-raising activities;

(c) Measures to disseminate and facilitate understanding of the Convention in accessible formats, including plain language, Braille, Easy Read, sign language and other alternate modes of communication across the country.

Accessibility (art. 9)

11. Please provide information on the measures taken to ensure that the Law on Construction Works is adhered to with regard to accessibility to housing in commercial and residential buildings. Paragraph 46 of the initial State report confirms that "the relevant provisions are little or not applied at all, both in adapting existing buildings and in the construction of new buildings".

12. Please explain the levels of cooperation between the Government and organizations of persons with disability in monitoring and evaluating the accessibility of facilities and services, including information and communication and the funds allocated by the Government for the adaptation of the latter to make them accessible to persons with disabilities.

13. Please provide more information on the State party's plans to allocate adequate funds to the "Operative Plan of Activities for the Improvement of the Health of Persons with Disabilities 2010–2018" (ibid., para. 62).

14. Please inform the Committee which of the measures foreseen for the National Strategy on Equal Rights for Persons with Disabilities (ibid., para. 59) have been implemented and the resources available for their implementation.

15. Please inform the Committee as to whether the State party has adopted a new National Strategy on Equal Opportunities and Non-Discrimination on Grounds of Gender, Age, Ethnic Affiliation, Mental and Physical Disability, since the previous one expired in 2015.

Right to life (art. 10)

16. Please elaborate on how the "numerous international instruments" on the right to life have been applied in the national laws and policies of the State party (ibid., para. 66)? Is there a specific law that prohibits the deprivation of life of persons with disabilities?

Situations of risk and humanitarian emergencies (art. 11)

17. With reference to the "Guidebook on Managing Catastrophes and Natural Disasters", printed in Braille (ibid., para. 68). Please explain how other categories of persons with disabilities are provided for in cases of emergencies and disaster management and emergency situations.

Equal recognition before the law (art. 12)

18. Please provide more information regarding plans to review the laws and policies of the State party, to repeal all provisions therein that promote guardianship and the deprivation of legal capacity and to promote equal protections of persons with disability in the judicial and law enforcement sectors (ibid., para. 73).

19. Please inform the Committee about the steps taken to abolish guardianship measures provided by law and instead to introduce measures on supported decision-making and to support persons with disabilities in exercising that capacity, subject to their autonomy, will and preference.

Access to justice (art. 13)

20. Please give information on the measures taken to ensure that all persons with disabilities are able to access justice across the State party, including by providing accessible information and legal aid and assistance, and also have access in terms of information and communications through procedural accommodation, including sign language interpretation services for deaf persons participating in court proceedings, and physical accessibility to premises of courts.

21. Please give information on the measures taken to raise the level of awareness among judges, lawyers, court personnel and employees of law enforcement, police and other public servants regarding the rights of persons with disabilities in gaining access to justice, including the obligation to provide reasonable accommodation.

22. Please provide data on the number of reported cases of all forms of violence, including domestic violence against women and girls with disabilities, and the number of prosecutions, convictions and sentences imposed on perpetrators.

Liberty and security of the person (art. 14)

23. Please give information on the measures taken to prohibit disability-based detention of persons with disabilities, including involuntary hospitalization and forced institutionalization, including in social care residences and homes.

24. Please give information on the measures taken to adapt existing prisons to the needs of persons with disabilities and the interim measures taken to facilitate them in the meantime (ibid., para. 79).

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

25. Please provide information of the specific laws in the State party that explicitly prohibit the use of torture against, acts of violence against or abuse of persons with

disabilities, and the steps taken to train employees of penal institutions to ensure the protection of the rights of persons with disabilities in such settings.

Freedom from exploitation, violence and abuse (art. 16)

26. Please provide information as to whether the national legislation and policies on prevention and protection against gender-based violence, such as the National Strategy for the Prevention of and Protection against Domestic Violence 2012–2015 referred to in paragraph 98 of the initial report, include explicit provisions and services to support and protect persons with disabilities from all forms of violence and abuse, and if the expired policies have been renewed.

27. Please also provide data on the number of persons with disabilities — by gender, age and type of disability — reported as victims of domestic violence; the number of such cases prosecuted and redress requested and granted; and the number of persons with disabilities who have used the support services for victims of domestic violence.

Protecting the integrity of the person (art. 17)

28. Please provide information on the steps taken to collect precise statistical data on the forms of violence and abuse perpetrated against persons with disabilities in the State party, so as to inform legal and policy formulation to stem the practice (ibid., para. 99).

Living independently and being included in the community (art. 19)

29. Please provide more information on the support services envisaged under the National Strategy referred to in paragraph 103 of the initial report and the progress so far achieved.

30. Please explain whether there are plans to deinstitutionalize those persons living in existing institutions to enable more persons with disabilities to live independently in the community.

31. Please explain the steps taken to ensure comprehensive personal assistance in all aspects of life, i.e. personal assistance for all persons with disabilities in the State party.

Personal mobility (art. 20)

32. Please explain the steps taken to ensure comprehensive personal assistance in all aspects of life of persons with disabilities. Please also provide information on the number of beneficiaries by age, gender and disability category.

33. Please inform the Committee about the measures taken to provide affordable assistive devices to persons with disabilities, and data on the number of beneficiaries by age, gender and disability category.

Freedom of expression and opinion, and access to information (art. 21)

34. Please give information on the specific measures taken to implement the provisions contained in article 21 (e) of the Convention with regard to freedom of expression and opinion, and access to information for persons with disabilities, in particular persons with visual and hearing impairments.

Respect for home and the family (art. 23)

35. Please give information on the measures taken to repeal the discriminatory provisions of the Law on the Family that infringe on the rights of persons with disabilities to form a family and make their own choices on where and how to live in the community (ibid., para. 149).

Education (art. 24)

36. Please give information on the measures taken to recognize and incorporate into law the obligation to provide inclusive education to children with disabilities.

37. Please explain the steps and or measures taken to ensure obligatory training of all teachers — beyond special education teachers — on teaching children with disabilities and to include inclusive education as an integral part of core teacher training curricula in teacher training institutions.

38. Please describe in more detail the collaboration between the preschool and the professional institutions assisting children with disabilities referred to in paragraph 173 of the initial report, and if any mechanisms have been formally established for such collaboration.

39. Please provide information on the measures taken to implement the recommendations of the Ombudsman's study on the inclusion of children with disabilities in regular primary education.

Health (art. 25)

40. According to the State party report (ibid., para. 184), the quality and type of the assistive devices and medical aids are determined by a general act of the Health Insurance Fund, which means a possibility for limited interpretation of the provisions of that law. Please explain whether the State party intends to adopt any legal measures to ensure that the right to assistive devices and medical aids is ensured.

41. Please provide information on the mechanisms in place for the early detection of and early intervention for children with disabilities. Please also explain if the State party intends to adopt any policies and programmes to operationalize in practice, as a type of systematic and continued activity, its obligation for early detection and intervention (ibid.).

42. Please provide information on the data-collection and analysis methodology for monitoring the provision of the same range, quality and standard of health-care services to persons with disabilities, including in the area of sexual and reproductive health and population-based public health programmes.

43. Please provide information on the manner in which health professionals' training and ethical standards support them in providing health care to persons with disabilities on an equal basis to others, including in particular on obtaining free and informed consent and respecting the dignity, autonomy and the needs of persons with disabilities.

44. Please provide information, disaggregated by age, sex, impairment and place of residence, on the number of persons with disabilities who have benefited from programmes and services allowing them to decide freely on the timing, number and spacing of their children and to have access to age-appropriate information and education on reproductive and family planning.

Habilitation and rehabilitation (art. 26)

45. Please explain the measures taken to ensure quality paid and/or voluntary services, i.e. the training and development of experts, qualified staff and other personnel to work in institutions, care homes and other settings where people with disabilities are cared for. In particular, provide information about the ongoing process of deinstitutionalization, where services are being provided to persons with intellectual disabilities for their supported living in the community (ibid., para. 125).

46. Please explain the measures in place to extend habilitation and rehabilitation services to other categories of disabilities, including the deaf, blind and all other categories of disabilities.

Work and employment (art. 27)

47. Please provide more detailed information about the measures taken to implement the concrete systematic solutions referred to in paragraph 203 of the initial report in order to achieve the National Strategy 2010–2018 goal of providing persons with disabilities with work and employment opportunities on an equal basis with others. Please inform the Committee in particular about any measures to remove or align any restrictive requirements that are not compliant with the Convention, to develop the mechanism for evaluation of

working capabilities and needs, and the mechanisms and resources for professional rehabilitation. Please also inform the Committee about the implementation progress and any assessments made of their results, independent or made for the purpose of monitoring the implementation of the Strategy.

48. Please provide information on the results and the manner in which the State monitors, assesses the effectiveness of and reports to the public on the collection, allocation and spending of the assets of the Special Fund, referred to in paragraph 209 of the initial report. Please provide the same information about the business community-supported Fund to Support Persons with Disabilities, referred to in paragraph 219 of the initial report.

49. In relation to the announcement of the employment of 300 persons with disabilities in a public enterprise, referred to in paragraph 218 of the initial report, please inform the Committee about the outcome and any reasonable accommodation required or ensured.

Adequate standard of living and social protection (art. 28)

50. Please provide more information on the National Strategy for Decreasing Poverty and Social Exclusion and the measures therein aimed at improving the standard of living of persons with disabilities in the State party.

51. Please explain how the National Strategy for equal rights of persons with disabilities is monitored and evaluated, especially the five strategic measures "directed towards providing social security and total enjoyment of the rights of persons with disabilities" (ibid., para. 223).

52. Please provide information on the compensation schemes being implemented with regard to additional, disability-related expenses incurred by persons with disabilities and their families.

Participation in political and public life (art. 29)

53. Please provide information as to whether the State party plans to repeal or amend article 6 of the Election Code, which confers the right to vote on condition of "permanent address of living and fully able to work", (ibid., para. 249), in the light of the fact that persons with disability are more likely to lack permanent shelter and/or address and employment than their non-disabled counterparts, conditions that might disenfranchise them from participating in political and electoral processes.

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

54. Please provide information as to whether the population census has been conducted or scheduled and if it will include the Washington Group Short Set of Questions on Disability in forthcoming censuses and household surveys.

55. Please explain if any other measures, including interim, have been taken to ensure systematic data collection in the field of disability and if consultations have been made with organizations of persons with disabilities in order to collect additional data disaggregated by sex, age and type of impairment in different areas, such as inclusive education, legal capacity, domestic violence, institutionalization and employment.

International cooperation (art. 32)

56. Please provide information on the mainstreaming of disability in the development cooperation programmes, particularly those related to the implementation of the Sustainable Development Goals.

National implementation and monitoring (art. 33)

57. Please clarify the mandates of the two bodies referred to in paragraphs 306 and 307 of the initial report, that is, which one performs or has been designated by the Government

to perform the functions of the implementation mechanism required under article 31 (1) of the Convention. Please also clarify if the representatives of the persons with disabilities in those two bodies are full members with decision-making powers. Please inform the Committee as to whether focal points have been appointed and in which State institutions. Please also inform the Committee about the methods, processes and achievements thus far of the focal points and government bodies.

58. Please inform the Committee as to whether the National Coordination Body for the implementation of the Convention is operational, and on the human and financial resources available for it to carry out its mandate effectively. Please also clarify if and when the Ombudsman has been formally designated to perform the functions of the monitoring mechanism under article 33 (2) of the Convention and the way in which the independent involvement of persons with disabilities in monitoring of the Convention has been ensured and supported.